



HOUSE BILL 978: Restore Prior Appt. Process/Auctioneers Comm

2009-2010 General Assembly

Committee:	House Commerce, Small Business, and Entrepreneurship, if favorable, State Government/State Personnel	Date:	May 25, 2010
Introduced by:	Rep. Gibson	Prepared by:	Karen Cochrane-Brown
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 978 amends the law creating the Auctioneers Commission to restore the former appointment process which requires that at least three members be appointed to the Commission upon nomination of the Auctioneers Association of North Carolina. The bill also adds certain conditions for eligibility for appointment and makes other clarifying changes.*

[As introduced, this bill was identical to S995, as introduced by Sen. Purcell, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: The Auctioneers Commission is authorized to license and discipline auctioneers and to regulate the conduct of auctions in the State. Prior to 2008, at least three of the five members of the North Carolina Auctioneers Commission had to be appointed by the Governor from nominations submitted by the Auctioneers Association of North Carolina. S.L. 2008-138 amended the law to change this mandatory requirement to a permissive one, so that the Governor was not limited to the nominees of the Association.

BILL ANALYSIS: House Bill 978 would restore the requirement that members be appointed upon the nomination of the Auctioneers Association.

The bill also adds a provision that each member of the Commission serves at the will of the appointing authority. Thus, a member can be removed prior to the expiration of the term for which the member was appointed.

Under the bill, each member must be a resident of the State and a citizen of the United States. A licensee who has been disciplined by the Commission within the last five years is ineligible for appointment to the Commission. Currently, the Commission is authorized to employ an executive director and other employees who serve at the pleasure of the Commission. This bill would limit the Commission's authority to dismiss employees only for good cause shown.

EFFECTIVE DATE: This act is effective when it becomes law.

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